

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONALD P. WENDT

Plaintiff,

-v.-

Civil Action No.
5:12-cv-342 (GLS/DEP)

UNITED STATES DEPARTMENT OF
AGRICULTURE FARM SERVICE AGENCY,
UNITED STATES DEPARTMENT OF
AGRICULTURE/NATURAL RESOURCE
CONSERVATION SERVICE, UNITED
STATES DEPARTMENT OF AGRICULTURE/
COMMODITY CREDIT CORPORATION,
WILLIAM S. JONES, PAUL ANTHONY RAY,
JAMES R. BARBER, DARLENE KOCHER,
ROGER ARLISS, GARY WELLS, MARK
DENNIS, VIRGINIA GREEN, RANDALL R.
CRONISER, ASTOR F. BOOZER, M. TERRY
JOHNSON, MIKE AMEELE, AMANDA MOUTON,
and BRANDON C. WILLIS,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

DONALD P. WENDT, *Pro Se*
1435 Quaker Road
Macedon, New York 14502

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed May 2, 2012. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed May 2, 2012 is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED that plaintiff's complaint be DISMISSED in its entirety, with prejudice as to plaintiff's claims for misrepresentation, fraud, and intentional interference with contract under the FTCA, and those against the named agencies and individual defendants, and otherwise with leave to file an amended complaint within thirty days of this order adopting the recommendation in full; and it is further

ORDERED, that upon his failure to do so that the clerk dismiss the action without further order of the court; and it is further

ORDERED, that the Clerk of the Court is to mail a copy of this order to the plaintiff by certified mail.

IT IS SO ORDERED.

Dated: May 24, 2012
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court